

APPENDIX M

LAND AND MINERALS DISPOSAL POLICY

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1 SURFACE ESTATE DISPOSAL POLICY

Section 102(a)(1) of FLPMA provides that “ *the public lands be retained in Federal ownership, unless as a result of land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest.*” In Section 203 (a) FLPMA further prescribes disposal criteria as follows:

- (1) Such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency; or
- (2) Such tract was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or
- (3) disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership.

Land disposal by the BLM is a discretionary action. Each proposed disposal would be evaluated and analyzed on its own merits at the time of such proposal. If any agency is interested in acquiring or

managing any land identified for disposal, it is incumbent upon that agency to let the BLM know and initiate the withdrawal or transfer process. As part of the environmental assessment process, the BLM would contact adjacent landowners and administrators, government entities, and interested parties to fully coordinate the proposal, to determine other agency views, and to determine any impacts the proposed action may have on the management of adjacent lands.

All surface estate disposal actions require the preparation of a mineral report to assess the mineral potential of the property prior to disposal.

Any potential interference with mineral development will be considered through the disposal process. The creation of a split surface-mineral estate causing surface interference with Federal mineral development will be avoided to the extent possible. Any surface disposal action will closely analyze potential impacts to Federal mineral material development. All surface estate patents within areas of known coal potential will carry a reservation of surface owner consent rights under the Surface Mining Control and Reclamation Act of 1977.

The following items will be examined when considering the merits of any disposal:

- Consistency and conformance with current planning
- Consistency with mineral resource policy and fluid mineral leasing procedures
- Potential effects on special status species and their habitat
- Potential effects on recreation and wilderness values
- Potential effects on prime and unique farmland
- Floodplain and flood hazard evaluation
- Potential effects on cultural and paleontological resource values
- Potential effects on American Indian religious values
- Potential effects on visual resources
- Potential effects on ACECs
- Potential effects on wetlands
- Potential effects on existing rights and uses
- Public controversy
- Potential effects on health and safety
- Potential effects on adjacent uses and ownership
- Potential effects on air resources

The following procedures will be followed for the various types of surface estate land disposal actions in the Las Cruces District Office Area:

1.1 Exchanges

Disposal by exchange must meet the criteria outlined in the Federal Land Policy and Management Act (FLPMA) Sec. 206, whereby it is determined that the public interest will be well served by making the proposed exchange. Exchanges within designated retention areas may be possible if it is clearly determined that it is in the best interest of the public. The following principles will guide the Las Cruces District Office in its land exchange program:

- The Las Cruces District Office will continue to strive to process mutually benefiting, public interest land exchanges in a timely and efficient manner.
- Acquisition through exchange rather than purchase of lands or interests in lands required for resource management programs will always be the preferred method of acquisition, as this will reduce the expansion of Federal real estate holdings and help to assure the integrity of State and local tax basis.
- Comments from State and local governments and the general public shall be sought and considered before completion of each exchange.
- Patent and deed reservations and conditions will be kept to the absolute minimum necessary to complete the transaction. Rights of third-party right-of-way holders and other legal interests in the exchanged lands will be protected.
- The generally preferred rule is for both surface and subsurface (mineral) estates to be traded in an exchange. However, due to third-party encumbrances, or difficulties in the valuation process, it may be preferable to complete certain exchanges with reservations. Such exceptions to the generally preferred rule are to be made on a case-by-case basis.
- Exchanges shall be utilized to consolidate the surface and subsurface estates for both the Federal government and non-Federal owners in split estate situations.
- Exchanges may be utilized to affect ownership and management area boundary changes or adjustments and to form more logical and efficient land and resource management areas for both the Federal government and non-Federal owners.
- As the law permits, expenses incurred by the Bureau of Land Management (BLM) on exchange actions for the benefit of other Federal agencies shall be recovered from the benefiting agency. The BLM shall not attempt to recover nominal costs.
- When an exchange involves the cancellation in hold or in part of a grazing permit or lease, the compensation for rangeland improvements and 2-year notification requirements of Section 402(g) of the FLPMA and 43 Code of Federal Regulations (CFR) 4110 will be met.
- The acquisition of nonpublic lands containing unique or unusual historic, cultural, mineral, recreational, scientific, and scenic or wildlife habitat values will be pursued when formulating any exchange proposal.

1.2 Sales

Property selected for sale must be identified as being potentially suitable for disposal in an approved land use plan and must meet one or more of the criteria outlined in the FLPMA Sec. 203. In addition, if the tract is 2,500 acres or more, procedures outlined in Sec. 203(c) must also be followed. The disposal criteria are as follows:

- Such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public land, and is not suitable for management by another Federal department or agency; or
- Such tract was acquired for a specific purpose, and the tract is no longer needed for that or any other Federal purpose; or
- Disposal of such tract will serve important public objectives, including but not limited to expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweighs other public objectives and values, including but not limited to recreation and scenic values, which would be served by maintaining such tract in Federal ownership.

Anticipated environmental impacts to existing resources such as minerals, wildlife, recreation, range, cultural resources, wilderness values, floodplains, paleontological values, visual resources, areas of critical environmental concern, wetlands, threatened or endangered rivers, prime or unique farm lands, and social and economic conditions, will be considered during the preparation of each environmental assessment. The environmental assessment will be used to determine whether the subject parcel is suitable to be offered for sale. Once this determination has been made, a fair market appraisal of the property will be completed to set the minimum acceptable bid.

If a tract is determined suitable for sale, the environmental assessment will analyze the method of sale that will be used to dispose of the tract. Several factors are considered in determining the method of sale which include but are not limited to the needs of State or local governments, adjoining landowners' interests and concerns, public policies, historical uses, and equitable distribution of the land. In accordance with 43 CFR 2711.3, the Las Cruces District Office policy for determining the sale method is as follows:

- Competitive bidding is the preferred method of sale and will be used where clearly there will be a number of interested parties bidding for the land and they could make practicable use of the land regardless of adjoining landownership. Competitive bidding will also be used where the land is clearly within a developing or urbanizing area and land values are increasing due to their location and interest on the competitive market. If there are no overriding bases for modifying competition or direct sale, the land will be offered through competitive bidding. The normal practice for competitive sales is to first offer the land for sale by sealed bids; if unsold, the tract is offered for sale over-the-counter.
- Modified competitive bidding may be used to permit the existing grazing user or adjoining landowner to meet the high bid or to limit the number of persons permitted to bid on the land. These sales will normally be for lands not located near urban expansion areas or in areas with rapidly increasing land values, when there is a need to avoid jeopardizing existing use of adjacent land, to assure compatibility of the possible uses with adjacent lands, and avoid dislocation of existing users. This procedure will allow for limited competitive bidding to protect ongoing use.
- Direct (without competition) sales may be used when, in the opinion of the Authorized Officer, the public interest would best be served. Examples include but are not limited to:
 - A tract identified for transfer to State or local governments or nonprofit organizations; or
 - A tract identified for sale that is an integral part of a project or of public importance and speculative bidding would jeopardize the timely completion and economic viability of the project; or
 - There is a need to recognize authorized use such as an existing business which would be threatened if the tract were purchased by other than the authorized user, or
 - A tract is surrounded by land in non-Federal ownership and does not have public access; or
 - The lands support inadvertent unauthorized use or occupancy.
- When lands have been offered for sale under direct or modified bidding procedures and they remain unsold, then the land will be re-offered by the competitive bidding procedure. In no case will the land be sold for less than fair market value.

Public participation and intergovernmental coordination will be sought and encouraged during the development of each sale. Where a decision is made to dispose of land within a grazing allotment,

permittees and lessees shall be given 2 years prior notification before their grazing preference may be cancelled in whole or part. A permittee or lessee may unconditionally waive the 2-year prior notification.

The lands may be disposed at any time, provided a condition of the exchange or sale allows the existing grazing user to continue grazing livestock on the land for at least 2 years from the date the 2-year notice is received. 43 CFR 2711.1-3 addresses sales requiring grazing permit or lease cancellations.

In such cases, the condition of the disposal will include the same terms and conditions as the permit/lease in regard to numbers, kind of livestock, season-of-use, animal unit months, and maintenance of range improvements. Fees must be the same as the Federal grazing fees.

Grazing permittees/lessees will receive fair market value (less salvage value) for their interest in authorized permanent rangeland improvements located on public lands in accordance with 43 CFR 4120.3-6. Compensation for grazing improvements under the land sale action is addressed in 43 CFR 2711.4-1. If floodplain tracts are designated for disposal, the patent will contain language indemnifying the United States against any claims for loss or injury due to flooding.

Lands designated as retention areas may not be offered for disposal through a competitive sale unless the authorized officer determines the interest of the public would best be served by modified competitive bidding or direct sale (WO IM-2002-143). Land ownership pattern within these areas are moderately consolidated and contain small tracts of land. Land sale may be pursued if the disposal of lands within designated retention areas, not including areas of critical environmental concerns (ACECs), special management areas (SMAs), and special recreational management areas (SRMAs) would help enhance manageability and consolidate land status. Several parcels have no legal public access which makes manageability difficult. The parcels offered for disposal shall contain no known significant resources values.

Wilderness study areas (WSAs) and retention areas within ACECs and SRMAs shall in most cases be excluded and unavailable for disposal through sales and/or exchanges. Exceptions could be made where the disposal of lands within an ACEC or SRMA to another Federal or state agency and would be in the best interest of both parties to accomplish such a disposal. An example would be to dispose of an ACEC or SRMA or portion thereof to expand and complement the management of a state park. This could be done through Recreation and Public Purposes Act, sale or exchange. Consolidation of ownership within these specially managed areas would be through acquisition of state and private lands to improve the ownership and manageability. Any exchange involving lands within retention areas must be exchanged for lands with a higher resource value than lands being disposed.

Direct sales must be clearly determined by the authorized officer to ensure that the sale is in the best interest of the public. When lands have been offered for direct or modified bidding and they remain unsold, the land will be re-offered under competitive bidding procedures. Mineral (subsurface) estate will be retained for all sales that occur within designated retention areas. Permittees will be given 2 years prior notification to disposal of lands within a grazing allotment (permits/leases) before their grazing may be cancelled in whole or part.

1.3 FLTFA Lands in Doña Ana County - Mimbres Resource Area, RMP

In July 2000, Congress passed legislation that authorized Federal Land Transaction Facilitation Act (FLTFA) for 10 years. Through its “*land for land*” approach, FLTFA funded sales of scattered BLM tracts authorized for disposal under the FLPMA and the respective RMPs. In the case of the Las District these would be the White Sands RMP (1986) and the Mimbres RMP (1993). The Department of the

Interior and Agriculture allocate FLTFA funds to acquire priority lands from willing sellers within the boundaries of designated BLM areas, National forests, National parks and National wildlife refuges. Under the TriCounty RMP, FLTFA would apply to the following listed lands in the three counties:

- T. 20 S., R. 04 W.,
 - sec. 08, SESW, S2SE = 120 acres
 - sec. 17, E2, E2W2 = 480 acres
- T. 18 S., R. 03 W.,
 - sec. 31, Lots 7, 13, 15 = 100.56 acres
- T. 19 S., R. 03 W.,
 - sec. 03, S2SE, Lots 5 - 7 = 146.79 acres
 - sec. 04, NESW = 40 acres
- T. 19 S., R. 02 W.,
 - sec. 07, E2NE = 80 acres
 - sec. 08, W2NW = 80 acres
 - sec. 32, SENW, NESW = 80 acres
- T. 23 S., R. 01 W.,
 - sec. 13, S2SE, Lots 7, 8 = 140.15 acres
 - sec. 24, W2E2, S2NW, N2SE = 320 acres
 - sec. 25, Lots 1, 4, 5, 17, 18 = 159.91 acres
 - sec. 27, W2SESE = 20 acres
- T. 21 S., R. 01 E.,
 - sec. 30, NE, NENE, Lot 8 = 240 acres
- T. 22 S., R. 01 E.,
 - sec. 03, N2, Lots 1 - 4 = 372.56 acres
 - sec. 04, NE, Lots 1, 2 = 187.68 acres
- T. 23 S., R. 01 E.,
 - sec. 18, S2S2, Lots 6 - 9 = 280.16 acres
 - sec. 29, S2NE, S2, Lots 7 - 11 = 504.01 acres
 - sec. 31, All = 640 acres
 - sec. 33, SWNW, NWSW = 80 acres
- T. 21 S., R. 02 E.,
 - sec. 24, E2 = 320 acres
 - sec. 25, NE, SENW, NESW, N2SE = 320 acres
 - sec. 27, S2 = 320 acres
 - sec. 28, S2 = 320 acres
 - sec. 29, E2, E2W2 = 400 acres

T. 22 S., R. 02 E.,

- sec. 10, N2, W2SW, N2SE = 480 acres
- sec. 12, All = 640 acres
- sec. 17, S2SWSW = 20 acres
- sec. 18, E2NE, Lots 5, 6 = 156.6 acres
- sec. 20, N2NW = 80 acres
- sec. 25, NW = 160 acres
- sec. 26, E2NE = 80 acres
- sec. 28, W2SE, Lots 20 - 24, 33, 34, 36 - 39 = 253.89 acres
- sec. 33, E2SWNE, SENE = 60 acres

T. 23 S., R. 02 E.,

- sec. 03, E2SENE, SWNE, N2SENE, SWSENE, E2E2SW, W2SE, W2NESE, SENESE, SESE, Lots 1, 2 = 359.09 acres
- sec. 04, Lots 10, 11 = 55.73 acres
- sec. 10, Lot 12 = 16.4 acres
- sec. 11, E2NE, N2NWNE, S2SWNE, W2, SE = 600 acres
- sec. 12, W2 = 320 acres
- sec. 23, Lots 17 - 20 = 80.32 acres

T. 24 S., R. 02 E.,

- sec. 01, E2E2 = 160 acres
- sec. 11, Lots 5 - 8 = 132.79 acres
- sec. 12, All = 640 acres
- sec. 13, N2, NESW, SE, Lots 3 - 5 = 617.38 acres
- sec. 14, Lots 3 - 5 = 57.08 acres
- sec. 24, N2NE, Lots 6 - 9 = 197.5 acres

T. 21 S., R. 03 E.,

- sec. 21, All = 640 acres
- sec. 28, All = 640 acres
- sec. 29, All = 640 acres
- sec. 30, E2, E2W2, Lots 1 - 4 = 638.62 acres

T. 22 S., R. 03 E.,

- sec. 01, SENE, Lots 1, 12 - 19 = 169.14 acres
- sec. 02, W2NESE = 20 acres
- sec. 06, S2NE, N2SENE, N2S2SENE, SE, Lots 1 - 5 = 476.82 acres
- sec. 07, NE, E2NW, NESE, Lots 1, 2 = 366.17 acres

T. 23 S., R. 03 E.,

- sec. 08, S2 = 320 acres
- sec. 18, NE, E2NW, W2E2SW, S2SWSE, Lots 1 - 4 = 452.55 acres
- sec. 19, N2NWNE, NENW, W2SENE, E2SW, SE, Lots 3, 4, 6 = 419.03 acres
- sec. 29, All = 640 acres
- sec. 30, E2, E2W2, Lots 1 - 4 = 638.69 acres
- sec. 31, E2, E2W2, Lots 1 - 4 = 639.47 acres

T. 24 S., R. 03 E.,

- sec. 04, S2N2, S2, Lots 1 - 4 = 638.8 acres
- sec. 05, S2N2, S2, Lots 1 - 4 = 639.2 acres
- sec. 06, E2, E2W2, Lots 1 - 4 = 638 acres
- sec. 07, E2, E2W2, Lots 1 - 4 = 633.1 acres
- sec. 08, All = 640 acres
- sec. 09, All = 640 acres
- sec. 17, All = 640 acres
- sec. 18, E2, E2W2, Lots 1 - 4 = 630.8 acres
- sec. 19, E2, E2W2, Lots 1 - 4 = 629.89 acres
- sec. 20, All = 640 acres
- sec. 21, N2, N2SW, SWSW, N2SE = 520 acres
- sec. 28, E2NW, S2 = 400 acres
- sec. 29, All = 640 acres
- sec. 30, NE, N2SE, Lots 8 - 11 = 411.96 acres
- sec. 33, All = 640 acres

T. 25 S., R. 03 E.,

- sec. 04, S2N2, S2, Lots 1 - 4 = 640.48 acres
- sec. 05, Lots 1, 7 - 10 = 166.22
- sec. 08, Lots 5, 6 = 45.59 acres
- sec. 09, NE, N2NW, Lots 2 - 5 = 384.55 acres
- sec. 10, All = 640 acres
- sec. 15, E2E2, NWNE, NESE, S2S2, Lots 1 - 6 = 550.02 acres
- sec. 22, E2, E2SW = 400 acres
- sec. 27, E2, E2NW = 400 acres
- sec. 34, W2SWSW, Lots 1, 2, 9 - 12, 16 = 160.11 acres

T. 26 S., R. 03 E.,

- sec. 11, E2E2, W2NE, E2NW, NESW, NWSE, Lots 9, 30 = 429.75 acres
- sec. 12, All = 640 acres
- sec. 13, All = 640 acres
- sec. 14, NENE, E2SENE, E2W2SENE, W2SWSENE, Lots 32, 53 - 58, 75 - 77, 91 = 142.52 acres

T. 27 S., R. 03 E.,

- sec. 06, Lots 1 - 4 = 135.15 acres
- sec. 07, W2W2, E2SW, Lots 1 - 4 = 335.07 acres
- sec. 18, W2E2, E2W2, SESE, Lots 1 - 7 = 561.14
- sec. 30, E2, E2W2, Lots 1 - 4 = 635.54 acres
- sec. 31, N2N2NE = 40 acres

T. 26 S., R. 04 E.,
 sec. 07, SWNE, E2W2, W2SW, Lots 1 - 4 = 431.4 acres
 sec. 10, E2 = 320 acres
 sec. 11, All = 640 acres
 sec. 12, W2NE, NW, N2S2, SESW, S2SE = 520 acres
 sec. 13, All = 640 acres
 sec. 14, All = 640 acres
 sec. 15, NE = 160 acres
 sec. 17, W2SW = 80 acres
 sec. 18, E2, E2W2, Lots 1 - 4 = 636.6 acres
 sec. 19, NE, E2W2, N2SE, SESE, Lots 1 - 4 = 597.85 acres
 sec. 20, W2W2, SESW = 200 acres
 sec. 23, All = 640 acres
 sec. 24, N2N2, S2, SWNE, S2NW = 600 acres
 sec. 25, N2 = 320 acres
 sec. 26, NE = 160 acres
 sec. 29, W2 = 320 acres
 sec. 30, E2, E2W2, Lots 1 - 4 = 637.92 acres
 sec. 31, NE, E2NW, Lots 1 - 6 = 404.54 acres

T. 26 S., R. 05 E.,
 sec. 10, All = 640 acres
 sec. 11, All = 640 acres
 sec. 12, All = 640 acres
 sec. 13, N2 = 320 acres
 sec. 14, N2, N2S2, S2SW, SWSE = 600 acres
 sec. 17, All = 640 acres
 sec. 18, E2, E2W2, Lots 1 - 4 = 639.99 acres
 sec. 19, W2E2, E2W2, NWNW, E2SE, Lot 1 = 440.09 acres
 sec. 20, E2, E2W2, SWNW, W2SW = 600 acres
 sec. 29, N2, SW = 480 acres
 sec. 30, E2, E2W2, Lots 1 - 3 = 601.35 acres
 sec. 31, N2NE, SENE, Lot 6 = 129.09 acres

1.4 FLTFA Lands in Otero County - White Sands Resource Area RMP

T. 26 S., R. 06 E.,
 sec. 07, S2NE, SENE, E2SW, SE = 300 acres
 sec. 08, S2NE, W2, SE = 560 acres
 sec. 09, S2N2, S2 = 480 acres
 sec. 10, S2N2, NESW, SE = 360 acres
 sec. 17, All = 640 acres

T. 18 S., R. 08 E.,
 sec. 17, NE, E2SE, SWSE = 280 acres

- T. 11 S., R. 09 E.,
sec. 28, S2SW = 80 acres
sec. 33, N2NW = 80 acres
- T. 12 S., R. 09 E.,
sec. 01, S2NW, SW, Lots 3, 4 = 320.15 acres
sec. 02, S2NW, Lots 3, 4 = 160.32 acres
sec. 35, W2E2, E2W2 = 320 acres
- T. 14 S., R. 09 E.,
sec. 21, NWNE, N2NW = 120 acres
sec. 28, W2NW, S2SW = 160 acres
sec. 33, NWNW, SW = 200 acres
- T. 15 S., R. 09 E.,
sec. 03, S2N2, S2, Lots 1 - 3 = 606.51 acres
sec. 04, SENE, SWSW, E2SW, SE = 320 acres
sec. 09, N2N2, SWNE, S2NW, S2S2 = 440 acres
sec. 10, NE, NWNW, N2SW = 280 acres
sec. 11, NW, E2SW, SE = 400 acres
sec. 14, All = 640 acres
sec. 15, All = 640 acres
sec. 21, All = 640 acres
sec. 22, All = 640 acres
sec. 23, NW, S2 = 480 acres
sec. 25, NW, S2 = 480 acres
sec. 26, All = 640 acres
sec. 27, All = 640 acres
sec. 28, All = 640 acres
sec. 33, N2N2, S2S2, SWNE, S2NW, N2SW = 520 acres
sec. 34, E2NE, NWNE, NWNW, S2SW, SWSE = 280 acres
sec. 35, N2, NESW, NWSE = 400 acres
- T. 16 S., R. 09 E.,
sec. 03, SWNW, Lot 4 = 65.51 acres
sec. 04, SENE, S2, Lot 1 = 385.49 acres
sec. 05, Lots 3, 4 = 51.26 acres
sec. 06, NESW, Lots 1, 4, 6 = 116.83 acres
sec. 09, N2 = 320 acres
sec. 27, SESW = 40 acres

- T. 17 S., R. 09 E.,
 sec. 04, W2SW = 80 acres
 sec. 13, NE = 160 acres
 sec. 17, NENE, E2NWNE, SWNWNE, N2NW, S2N2, N2S2, S2SE = 630 acres
 sec. 18, NENE, NENENESE, S2NENESE, SENWNESE, S2NESE, SESWNWSE, E2SEWNWSE, SWSSE, S2SE = 160 acres
 sec. 19, NE, E2SW, N2SE, SWSE, Lots 3, 4 = 434.26 acres
 sec. 20, N2NE, S2N2, N2S2 = 400 acres
 sec. 23, SWSE = 40 acres
 sec. 26, N2NWNE = 20 acres
- T. 18 S., R. 09 E.,
 sec. 01, Lots 3, 4 = 46.1 acres
 sec. 10, NWSE = 40 acres
 sec. 22, S2 = 320 acres
 sec. 23, W2SW = 80 acres
- T. 14 S., R. 10 E.,
 sec. 12, SENE, NWSE = 80 acres
 sec. 15, N2NW, SWNW = 120 acres
 sec. 16, SENE, E2SW, SE = 280 acres
- T. 15 S., R. 10 E.,
 sec. 04, S2NE, SW, N2SE, Lots 1, 2 = 400.1 acres
 sec. 05, SESE = 40 acres
 sec. 08, NENENE, W2NENE, N2SENE, W2NE = 110 acres
 sec. 17, E2SW = 80 acres
 sec. 18, NE, E2SW, W2SE, Lots 3, 4 = 399.24 acres
 sec. 20, NW, N2SW, NWSE = 280 acres
 sec. 23, W2E2, E2W2, SENE, NWNW, SWSW, E2SE = 520 acres
 sec. 24, All = 640 acres
 sec. 25, N2NE = 80 acres
 sec. 26, N2NE, NENW = 120 acres
 sec. 27, NWNW = 40 acres
 sec. 30, Lot 1 = 40.21 acres
 sec. 31, SENW, E2SW, Lots 2 - 3 = 240.63 acres
 sec. 34, Lots 2, 10, 11 = 77.35 acres
- T. 16 S., R. 10 E.,
 sec. 04, S2, Lots 1 - 20 = 1164.76 acres
 sec. 05, Lots 23, 25, 26 = 119.23 acres
 sec. 33, N2NE, SENE, NESW, NESE = 200 acres
- T. 17 S., R. 10 E.,
 sec. 05, Lot 4 = 40.36
 sec. 06, S2SE = 80 acres
 sec. 07, N2N2, SENE, NESE, S2SE = 320 acres

T. 19 S., R. 10 E.,
sec. 09, NENW = 40 acres

T. 13 S., R. 11 E.,
sec. 01, W2SW, Lots 4, 5 = 156.44 acres
sec. 05, S2NE = 80 acres
sec. 06, S2NE, NWSE, Lots 1 - 11 = 349.23 acres
sec. 12, SWSW, Lot 4 = 77.92 acres
sec. 13, W2W2, Lots 1 - 4 = 309.1 acres
sec. 23, Lots 1, 2 = 75.24 acres
sec. 24, W2NW, Lots 1 - 3 = 190.7 acres
sec. 26, NWNWNE, SESE, NESW = 60 acres
sec. 32, Lot 7 = 33.17 acres
sec. 35, E2E2, SWNE, N2SE, NESW, E2SE = 330 acres

T. 14 S., R. 11 E.,
sec. 05, Lot 3 = 43.72 acres
sec. 06, W2SE, Lot 14 = 120 acres
sec. 07, NWNE, Lots 1 - 3 = 146.5 acres
sec. 17, SW, SWSE = 200 acres

T. 20 S., R. 13 E.,
sec. 01, Lots 1, 2 = 41.15 acres
sec. 02, SWNE, SENW, NESE, S2S2, Lot 3 = 304.31 acres
sec. 03, S2N2, SE, Lots 1 - 4 = 424.72 acres

T. 19 S., R. 14 E.,
sec. 33, NENW, W2W2 = 200 acres

T. 20 S., R. 14 E.,
sec. 03, S2SW = 80 acres
sec. 04, SW, Lots 5, 6 = 218.9 acres
sec. 06, E2SE = 80 acres
sec. 07, S2NE, SENW, NESW, N2SE, Lots 2, 3 = 316.78 acres
sec. 08, N2, N2S2 = 480 acres
sec. 10, SWNE = 40 acres
sec. 11, NWSE = 40 acres
sec. 18, NE, E2NW, N2SE = 320 acres
sec. 19, NE, SENW, NESW, Lots 2, 3 = 318.32 acres
sec. 21, N2, N2S2 = 480 acres
sec. 23, NENW, SESE = 80 acres
sec. 29, W2NW, NWSW = 120 acres
sec. 30, SENW, NWSE, NESE, Lot 3 = 159.17 acres

T. 22 S., R. 14 E.,
sec. 05, S2N2, S2, Lots 1 - 4 = 638.1 acres

T. 16 S., R. 15 E.,
sec. 01, SESE, SESE, Lots 1 - 8 = 304.88 acres

- T. 17 S., R. 15 E.,
sec. 10, E2E2 = 160 acres
sec. 11, N2N2, W2SWNE, S2NW, N2SW, W2SWSW, W2NWSE = 380 acres
sec. 14, W2W2NW = 40 acres
sec. 21, NWNE, NENW, W2W2, SESW, SWSE = 340 acres
sec. 28, NWNE, N2NW = 120 acres
- T. 18 S., R. 15 E., sec. 33, S2SESE = 20 acres
- T. 19 S., R. 15 E.,
sec. 01, SWNW, Lot 4 = 79.82 acres
sec. 02, Lot 3 = 40.05 acres
sec. 04, SENW, E2NWSW = 60 acres
sec. 10, NENW = 40 acres
sec. 11, S2SW, SESE = 120 acres
sec. 12, SWNE = 40 acres
- T. 20 S., R. 15 E.,
sec. 07, NWNE = 40 acres
sec. 21, N2NW = 80 acres
sec. 26, E2 = 320 acres
sec. 27, E2NE = 80 acres
sec. 31, NE = 160 acres
sec. 33, S2NE, SENW, NESW, N2SE = 240 acres
sec. 34, SWNW, N2S2 = 200 acres
sec. 35, S2NE, NWSW, SE = 280 acres
- T. 21 S., R. 15 E.,
sec. 01, Lots 2, 3, 6, 7 = 154.94 acres
- T. 26 S., R. 15 E.,
sec. 13, NENE = 40 acres
- T. 15 S., R. 16 E.,
sec. 25, W2SW = 80 acres
- T. 26 S., R. 16 E.,
sec. 28, SW = 160 acres
sec. 31, N2NE, Lots 4, 5 = 140 acres
sec. 33, N2NW, Lots 3, 4 = 142.3 acres

T. 26 S., R. 17 E.,
sec. 08, S2SW = 80 acres
sec. 16, S2NE, W2, SE = 560 acres
sec. 21, N2N2, SENE, S2NW, NESE, S2SE = 360 acres
sec. 28, E2 = 320 acres
sec. 29, N2 = 320 acres
sec. 30, E2SW, SE, Lots 3, 4 = 327.84 acres
sec. 32, N2N2, Lots 2, 4 = 224.93 acres
sec. 34, NENE, Lot 1 = 71.88 acres
sec. 35, NWNW, Lot 4 = 71.84 acres
sec. 36, N2NE, NENW, Lots 1, 2 = 183.54 acres

T. 26 S., R. 18 E.,
sec. 27, SW = 160 acres

1.5 FLTFA Lands in Sierra County - White Sands Resource Area RMP

T. 10 S., R. 08 W.,
sec. 02, Lots 3, 5 = 65.36 acres
sec. 12, E2NE, SWNE, SENE = 160 acres
sec. 19, E2SW, Lots 1 - 4 = 243.23 acres
sec. 21, SWNE, SENE, E2SW, W2SE = 240 acres
sec. 28, NWNE, NENW = 80 acres
sec. 29, NWNE, NWNW, W2SW = 160 acres
sec. 30, NENE, NW, NESW, NWSE = 280 acres
sec. 31, Lots 2 - 4 = 120.36 acres
sec. 35, Lot 16 = 40.48 acres

T. 11 S., R. 08 W.,
sec. 16, Lot 1 = 35.92 acres
sec. 20, SENW = 40 acres
sec. 26, W2NW, SWSE = 120 acres
sec. 35, E2NW = 80 acres

T. 12 S., R. 08 W.,
sec. 03, SWNE, Lots 2 - 4 = 162.85 acres
sec. 09, Lots 9 - 21 = 498.79 acres
sec. 10, NESW, S2SW, S2SE = 200 acres
sec. 11, SWSE = 40 acres
sec. 12, SWSE = 40 acres
sec. 13, E2SE = 80 acres
sec. 14, W2NE, NW, SESW = 280 acres
sec. 15, Lots 1 - 9 = 379.6 acres
sec. 17, Lot 7 = 34.66 acres
sec. 21, SWNW, NWSW, S2SW, N2SE, SESE = 280 acres
sec. 22, W2SW, E2SE = 160 acres
sec. 23, NENW = 40 acres
sec. 24, SESW, SWSE = 80 acres
sec. 25, E2, E2NW, SW = 560 acres
sec. 26, SWNE, S2NW, N2SW, SESW = 240 acres

sec. 27, S2N2 = 160 acres
sec. 28, S2NE, W2, W2SE = 480 acres
sec. 33, N2N2 = 160 acres

T. 17 S., R. 08 W.,
sec. 01, SESE = 40 acres
sec. 12, Lots 1 - 5 = 177.29 acres
sec. 13, Lots 6, 7 = 74.96 acres
sec. 25, W2, SESE = 400 acres

T. 18 S., R. 08 W.,
sec. 01, NWSW = 40 acres
sec. 03, S2N2, S2, Lots 1 - 4 = 636.8 acres
sec. 10, NWNE, N2NW, SENW = 160 acres
sec. 12, N2SE, SESE = 120 acres
sec. 13, SESE = 40 acres
sec. 19, NE, E2NW, NESW, N2SE, Lots 1 - 4 = 515.96 acres
sec. 21, SESW, S2SE = 120 acres
sec. 24, NENE, S2NE, SE = 280 acres
sec. 25, W2W2 = 160 acres
sec. 26, E2E2, E2NW, NESW = 280 acres
sec. 27, NWNE, W2NW = 120 acres
sec. 28, S2NE, SENW = 120 acres
sec. 30, Lot 4 = 39.02 acres
sec. 31, SENW, E2SW, Lots 1 - 4 = 275.58 acres
sec. 34, NENE = 40 acres
sec. 35, NENE, NWNW = 80 acres

T. 19 S., R. 08 W.,
sec. 01, SENE, NWSW, Lot 1 = 119.94 acres
sec. 05, SWNW, NWSW = 80 acres
sec. 06, S2NE, SENE, E2SW, NESE, S2SE, Lots 5 - 7 = 437.26 acres
sec. 07, NWSE = 40 acres
sec. 08, NWSW = 40 acres
sec. 17, NWNE, W2W2, SESW = 240 acres
sec. 18, E2W2, SE, Lots 1 - 4 = 478.05 acres
sec. 19, N2NE, NENW, Lot 1 = 159.4 acres
sec. 20, NW = 160 acres
sec. 21, NE, E2NW, SWNW = 280 acres
sec. 22, SWNE, SWNW = 80 acres
sec. 23, N2SE = 80 acres
sec. 24, W2NE, N2NE, NESE = 200 acres
sec. 25, SESW = 40 acres
sec. 26, E2SW, SE = 240 acres
sec. 35, E2NE = 80 acres

T. 17 S., R. 7.5 W.,
sec. 01, S2, Lots 3, 4 = 130.36 acres
sec. 12, Lots 5 - 9 = 156.36 acres
sec. 25, Lots 2 - 4 = 89.25

- T. 18 S., R. 7.5 W.,
 sec. 12, Lot 4 = 16.10 acres
 sec. 13, Lot 1 = 16.38 acres
 sec. 24, Lots 2 - 4 = 55.47 acres
 sec. 25, S2S2 = 40 acres
- T. 19 S., R. 7.5 W.,
 sec. 13, Lot 1 = 13.69 acres
 sec. 25, Lots 1 - 4 = 45.34 acres
- T. 10 S., R. 07 W.,
 sec. 04, SWNW, W2SW = 120 acres
 sec. 09, W2 = 320 acres
- T. 11 S., R. 07 W.,
 sec. 01, Lots 5 - 13, 15 - 17, 20 = 597.97 acres
 sec. 03, NWSE, Lots 5, 11 = 150.02 acres
 sec. 04, SWNW, E2SW, SWSW = 160 acres
 sec. 05, SESE = 40 acres
 sec. 08, NENE, S2NW, NESW, W2SE, SESE = 280 acres
 sec. 09, Lots 12 - 15 = 130.34 acres
 sec. 10, NWNE, NENW, Lot 1 = 104.69 acres
 sec. 11, Lots 2, 11 = 69.1 acres
 sec. 12, Lots 1, 3 - 11, 13 - 15 = 543.17 acres
 sec. 14, S2NE, E2NW, NESW, N2SE, SWSE = 320 acres
 sec. 15, W2NW = 80 acres
 sec. 22, W2NE, NW = 240 acres
 sec. 23, S2SW = 80 acres
 sec. 24, All = 640 acres
 sec. 25, All = 640 acres
 sec. 26, NE, E2NW = 240 acres
- T. 12 S., R. 07 W.,
 sec. 19, Lot 15 = 41.17 acres
 sec. 21, NENW = 40 acres
 sec. 23, NW, N2SW = 240 acres
 sec. 24, Lots 3, 5 = 82.52 acres
 sec. 25, W2NE, E2NW, NESW, NWSE = 240 acres
 sec. 26, W2NE, E2E2NW, E2NESW, N2SE = 220 acres
 sec. 29, Lots 4, 5 = 90.66 acres
 sec. 30, Lots 5 - 19 = 665.85 acres
- T. 13 S., R. 07 W.,
 sec. 01, S2N2, N2S2, Lots 1 - 4 = 161.6 acres
 sec. 12, NENE, W2NE = 120 acres
 sec. 13, S2 = 320 acres
 sec. 14, Lots 2, 3 = 76.66 acres
 sec. 23, W2NE = 80 acres
 sec. 24, N2 = 320 acres

- T. 14 S., R. 07 W.,
sec. 01, S2SW = 80 acres
sec. 12, Lots 5 - 8, 13, 14 = 232.38 acres
sec. 13, Lots 1, 2 = 67.05 acres
- T. 15 S., R. 07 W.,
sec. 13, S2SW, N2SE = 160 acres
sec. 14, S2S2 = 160 acres
sec. 23, N2NW = 80 acres
sec. 24, NWNW = 40 acres
- T. 16 S., R. 07 W.,
sec. 01, SESW, NESE, SWSE = 120 acres
sec. 12, SENE, E2SE = 120 acres
sec. 13, NENE, E2NE, SESE = 160 acres
sec. 24, S2SE = 80 acres
sec. 25, N2, SW, S2 = 560 acres
sec. 29, W2 = 320 acres
sec. 30, NE, N2SE = 240 acres
- T. 17 S., R. 07 W.,
sec. 01, S2NE, SESW, SE, Lots 1 - 3 = 399.38 acres
sec. 06, Lots 5 - 7 = 113.06 acres
sec. 07, E2, NENW, E2SW, Lots 1 - 4 = 590.04 acres
sec. 08, W2 = 320 acres
sec. 11, N2NE = 80 acres
sec. 12, N2NW, SESW, SWSE = 160 acres
sec. 13, NWNE, NENW = 80 acres
sec. 14, SESW = 40 acres
sec. 17, S2NW = 80 acres
sec. 26, SWNW, SWSW = 80 acres
- T. 18 S., R. 07 W.,
sec. 01, SWNW, Lot 4 = 81.5 acres
sec. 06, E2SW, Lots 6, 7 = 154.8 acres
sec. 07, E2NW, Lots 1, 2 = 154.55 acres
sec. 11, NWNE, NENW, NESE = 120 acres
sec. 12, NWNW, S2NW, NWSW = 160 acres
sec. 14, NENW = 40 acres
sec. 18, Lots 1, 2 = 75.15 acres
sec. 31, W2NE, E2NW, NESW, NWSE, Lots 1 - 3 = 354.18 acres

- T. 19 S., R. 07 W.,
- sec. 05, SWSW = 40 acres
 - sec. 06, S2SE = 80 acres
 - sec. 07, SENW = 40 acres
 - sec. 08, E2NE, NW, W2SW, NESE = 360 acres
 - sec. 09, NESE, SWSE = 80 acres
 - sec. 17, N2, N2SW = 400 acres
 - sec. 18, NENW = 40 acres
 - sec. 31, NE, NENW, N2SE, SESE, Lot 1 = 359.36 acres
- T. 11 S., R. 06 W.,
- sec. 02, Lot 5 = 36.89 acres
 - sec. 03, SWSW = 40 acres
 - sec. 04, S2SE = 80 acres
 - sec. 06, Lots 4 - 7 = 162.02 acres
 - sec. 07, Lot 1 - 4 = 159 acres
 - sec. 08, E2SE = 80 acres
 - sec. 18, NE, SESW, Lot 4 = 239.36 acres
 - sec. 19, NWNE, S2NE, E2W2, SE, Lots 1 - 4 = 597.65 acres
 - sec. 20, SWNW, W2SW = 120 acres
 - sec. 29, W2W2 = 160 acres
 - sec. 30, E2, E2W2, Lots 1 - 4 = 637.96 acres
- T. 12 S., R. 06 W.,
- sec. 09, NENE, S2NE, NESW, S2SW, SE = 400 acres
 - sec. 19, W2SW, SE, Lot 4 = 276.2 acres
 - sec. 20, SW = 160 acres
 - sec. 21, NWNE = 40 acres
 - sec. 28, NENW, SWSW = 80 acres
 - sec. 29, W2, S2SE = 400 acres
 - sec. 30, E2, E2W2, Lots 1 - 3 = 589 acres
 - sec. 31, N2NE, N2S2NE, E2NENW = 140 acres
 - sec. 33, NE, NWNW, W2SW, NWSE = 320 acres
- T. 13 S., R. 06 W.,
- sec. 04, S2NW = 80 acres
 - sec. 06, S2NE, E2NW, NESE, Lots 3 - 7 = 382.45 acres
 - sec. 10, SESW = 40 acres
 - sec. 15, NENW, SWSW = 80 acres
 - sec. 28, SENE, SE = 200 acres
 - sec. 33, W2NW = 80 acres
- T. 14 S., R. 06 W.,
- sec. 06, Lot 7 = 36.3 acres
 - sec. 17, N2N2 = 160 acres
 - sec. 18, N2NE, NENW, Lot 1 = 156.22 acres

T. 16 S., R. 06 W.,
sec. 06, SESW, Lot 14 = 83.86 acres
sec. 07, E2, E2W2, Lots 1 - 4 = 653.5 acres
sec. 15, SWNW = 40 acres
sec. 18, NE, NENW, SESW, Lots 3, 4 = 326.97 acres
sec. 19, NE, E2NW, SESW, SWSE, Lots 1, 2, 4 = 452.51 acres
sec. 30, W2NE, E2NW, NESW, Lots 1 - 4 = 380.06 acres
sec. 31, Lots 1, 4 = 91.15 acres

T. 17 S., R. 06 W.,
sec. 06, SENW, NWSE, Lots 3 - 5 = 185.92 acres

T. 14 S., R. 05 W.,
sec. 24, SWNE, N2SE, W2SESE = 140 acres

T. 12 S., R. 04 W.,
sec. 01, SW = 160 acres
sec. 02, S2NE = 80 acres
sec. 11, E2, E2W2 = 480 acres
sec. 12, W2NE, SENE, W2, SE = 600 acres
sec. 13, N2N2, Lots 1 - 4 = 250.52 acres
sec. 14, Lots 5 - 10 = 199.93 acres

T. 13 S., R. 04 W.,
sec. 10, W2E2, S2NW, SW, Lots 2 - 8 = 520.08 acres
sec. 15, Lots 1, 2 = 59.62 acres
sec. 17, SENE = 40 acres
sec. 22, Lot 3 = 30.12 acres

T. 14 S., R. 04 W.,
sec. 19, SWSW = 40 acres
sec. 30, NWNW = 40 acres

T. 14 S., R. 02 W.,
sec. 33, NW = 160 acres

1.6 Recreation and Public Purposes Patents

The Las Cruces District Office will continue to issue patents to qualified governmental and nonprofit entities for public parks, recreation sites, fire stations and other community facilities under the Recreation and Public Purposes (R&PP) Act. These patents may be issued at less than fair market value as outlined in 43 CFR 2740. Applications for patent of public lands under the R&PP Act will be processed as a Las Cruces District Office priority under the requirements of the National Environmental Policy Act and will be subject to public review. Current policy dictates that new sanitary landfill sites will be patented and no new lease will be issued in the *TriCounty Planning Area* pursuant to the R&PP Act. R&PP applications may be entertained in either retention or disposal zones; yet, a determination must always be made that the disposal action is in the public's interest.

1.7 Retention Criteria

These are land tracts which will likely remain as BLM administered land. Although the underlying philosophy is long-term public ownership, adjustments in retention areas involving exchanges or sales may occur when the public interest is served.

- 1) Areas containing moderate to high resource values and/or characteristics. These include but are not limited to:
 - Land along rivers, streams, lakes, dams, ponds, springs and trails
 - Riparian areas, community watersheds or floodplains
 - Areas that contain T&E species of wildlife or aquatic or vegetation
 - Areas with special status wildlife species, or aquatic species or vegetative species
 - Important general wildlife habitat areas
 - Recreation sites and areas
 - Significant cultural resource sites
 - Geologic areas containing unique or rare features or formations
 - Areas with important or unique forest/woodland values
 - Other areas containing moderate to high resource values and/or characteristics
- 2) Lands with a combination of moderate to high multiple-use values which dictate retention in public ownership.
- 3) Areas of National environmental significance: These include but are not limited to:
 - Wilderness, Wilderness Study Areas and former WSAs being studied for protective management
 - Wild & Scenic Rivers
 - National Scenic & Historic Trails and Study Trails
 - Lands containing nationally significant cultural sites nominated to be eligible for the National Register of Historic Places
 - National Conservation areas
 - Wetlands and Riparian Areas under Executive Order 11990
 - Other Congressionally Designated Areas and Study Areas
 - Areas of Critical Environmental Concern
- 4) Areas of National economic significance. These include but are not limited to:
 - Designated Mineral Resource Areas where disposal of the surface will unnecessarily interfere with the logical development of the mineral estate, e.g., surface minerals, coal, phosphate, known geologic structures, etc.
 - Lands containing strategic minerals needed for National defense.
- 5) Lands used in support of National defense: These include but are not limited to U.S. Military and National Guard maneuver areas.
- 6) Areas where future plans will lead to further consolidation and improvement of land patterns and management efficiency.

- 7) Areas which the general public, state and local government consider suitable for public ownership.
- 8) Lands withdrawn by the BLM or other Federal agencies for which the purpose of the withdrawal remains valid and the resource uses can be managed concurrently by the BLM.
- 9) Lands that contribute significantly to the stability of the local economy by virtue of Federal ownership.
- 10) Lands which provide public access and contain previously mentioned public values which, when considered together, warrant their retention.
- 11) Guidelines for the retention of the mineral estate are fairly well described and are mandated under FLPMA. These require that mineral estate be reserved by the United States in all land disposals, except in some cases where exchanges are involved. In exchanges, the mineral estate may be reserved by both parties presuming there will be no material interference with the development of the mineral resource due to disposal of the surface estate. If values are equal, mineral estate title may pass with surface estate.

Lands designated for retention outside of WSAs, ACECs, SRMAs, or other special management areas may be exchanged for lands of higher resource value such as non-Federal lands within or adjacent to WSAs or ACECs, high-value wildlife habitat, high-value cultural resource sites, or other lands as appropriate. The BLM retention areas (except Congressional designations) may be available for transfer under the Recreation and Public Purpose Act (R&PP) for leases and patents if the BLM determines that granting the R&PP use is in the public interest.

1.8 Acquisition Criteria

The following general criteria will be used to evaluate proposals which will result in the acquisition of non-Federal lands or interest in lands through exchange, fee purchase, donation or other transactions. Priority will be determined on the basis of multiple-use analysis. The greater number of resource programs and public values served, the higher the priority for acquisition. All proposals will be evaluated to determine if the non-Federal lands meet any of the following criteria:

- 1) Acquired lands would meet program objectives for management of recreation resources, wilderness, cultural or historical resources, paleontological resources, wildlife habitat, riparian or wetland areas, or threatened or endangered species.
- 2) Contain moderate to high resource values and/or characteristics.
 - Land along rivers, streams, lakes, dams, ponds, springs, and trails
 - Riparian areas, community watersheds and/or floodplains
 - Areas that contain T&E species of wildlife or aquatic or vegetation
 - Areas with special status species, plants, animals and fish habitat
 - Significant recreational opportunities

- Provide high recreation or other significant resource or public values
 - Significant cultural or historical resources or paleontological resources
 - Geologic areas containing unique and/or scarce features
 - Areas with important or unique forest/woodland values
 - Other areas containing moderate to high resource values and/or characteristics
- 3) Facilitate access or linkage to public lands and resources.
 - 4) Maintain or enhance the manageability or investment opportunity of existing public lands and resources values and/or characteristics.
 - 5) Maintain or enhance local social and economic conditions.
 - 6) Enhance congressionally designated areas, rivers, or trails.
 - 7) Primarily focused in the “*retention*” areas. (Acquisition outside of retention areas may be considered if the action leads to and/or facilitate long-term needs or program objectives).
 - 8) Facilitate National, state and local BLM priorities or mission statement needs.
 - 9) Will enhance existing or future activity plans on BLM-administered land.
 - 10) Meet long-term BLM land management goals as opposed to short-term BLM land management goals.
 - 11) Are of sufficient size to improve use of adjoin BLM-administered land or, if isolated, large enough to allow for the identified potential public land use.
 - 12) Allow for more diverse use, more intensive use, or a change in uses to better fulfill the Bureau’s mission.
 - 13) Enhance the opportunity for new or emerging BLM administered land uses or values.
 - 14) Contribute to a wide spectrum of uses or large number of public land users.
 - 15) Secure for the public significant water related land interests. These interests include lake shore, dam shore, river front, stream, and pond or spring sites.
 - 16) Consolidate mineral estate with surface estate to improve potential development while improving resource management and economic values of existing BLM-administered lands.
 - 17) Acquisition through Purchase or Donation should meet general acquisition criteria.

Exchange would be used as the preferred method of acquisition. Direct purchase would be limited to cases where no practical alternatives exist and high public values would be acquired.

Acquiring lands or interests in lands that present management problems that outweigh the expected benefits of an acquisition should be avoided, including but not limited to:

- Presence of hazardous materials
- Abundance of noxious weeds
- Access situation is inadequate for managing the property for the purpose(s) for which it would be obtained, etc.
- Acquisition of small, isolated tracts

1.9 Access Criteria

The BLM shall endeavor to maintain existing access, provide future access, and manage access to BLM administered land in coordination with Federal agencies, state and local governments, and private landowners.

1.10 Specific Access Criteria

- 1) Obtain access to BLM-administered land in retention areas. (Acquisition of access outside of retention areas may be considered if the action leads to and/or facilitates long-term needs or program objectives.)
- 2) Protect, maintain, and manage existing access to BLM-administered land.
- 3) Manage access to BLM-administered land within BLM's multiple-use mandate.
- 4) Acquire access on the basis of the following considerations:
 - Where there are moderate to high resource values on existing BLM-administered land.
 - Where there is public demand which is closely tied to resource values.
 - Where access to larger blocks or parcels of BLM-administered land have priority. The presence of important resource values may justify acquiring access to smaller tracts.
 - For those projects on BLM-administered land in which substantial public monies have been spent, and in which continuing diverse public use is expected, permanent exclusive access for the general public should be obtained. For lesser investment projects and/or those to which general public use will need to be limited, nonexclusive easements should be obtained.
 - Although the Bureau is not required to provide access to mineral resources, the acquisition of such access could be useful in controlling the construction of multiple and unnecessary access routes within the same general area.

1.11 Withdrawal Criteria

New withdrawals would be considered if:

- 1) Other methods are not available to protect valuable resources; or
- 2) A withdrawal is necessary to transfer jurisdiction of lands to another Federal agency.

1.12 Withdrawal Review

Review existing withdrawals on a case-by-case basis. Determine whether the use is consistent with the intent of the withdrawal and whether the withdrawal should be continued, modified revoked or terminated. If it is determined by a withdrawal review that a withdrawal should be revoked or terminated, or a withdrawal expires, the land does not automatically open to operation of the law(s) to which the land was closed. An opening order will be published to notify the public when and to what extent the land will be opened. An opening order may be incorporated in a public land order or termination order that revokes or terminates a withdrawal or may be published in the Federal Register as a separate document. Any land becoming encumbered by withdrawals will be managed in a manner consistent with adjacent or comparable public land within the *Planning Area*.

1.13 Withdrawal Revocation

Following revocation of a withdrawal, the lands would be managed according to other provisions for these lands as specified in this RMP.

2 RIGHT-OF-WAY AVOIDANCE AND EXCLUSION AREAS PLAN

The *Draft TriCounty RMP/EIS* identified a number of right-of-way avoidance and exclusion areas within the *TriCounty Decision Area*. This approach would allow a right-of-way applicant to review resource area maps to determine what areas are closed to development and which open areas are subject to thorough examination with the potential for application rejection. All applicants would be notified that their project, if placed in an avoidance area, may be subject but not limited to requirements for recontouring and/or revegetating disturbed areas, painting certain above-ground structures to blend with the surrounding landscape and vegetation, and using special tower design and/or pole color.

All designated right-of-way exclusion areas would be closed to all forms of new right-of-way development. BLM Manual 1623.51 A. 1c states that right-of-way exclusion areas are areas where future right-of-way may be granted only when mandated by law. Mining claimants cannot be denied reasonable access to an exclusion area unless the land is withdrawn from mineral entry (see 43 CFR § 3809.0-6). The majority of the right-of-way exclusion areas are within wilderness study areas, areas of critical environmental concern, and areas assigned visual resource inventory class I (Visual Resource Management Class I). Class I is assigned to areas where management decisions have been made to preserve the scenic values within the natural landscape. The objective of this class is to greatly minimize any level of change to the existing characteristic of the landscape. As a point of clarification, it should be recognized that many of the areas or portions thereof discussed within this plan are presently under wilderness review and designated as wilderness study areas. There are 10 wilderness study areas totaling approximately 261,793 acres within the *TriCounty Decision Area*. These lands are presently being managed under the *Interim Policy and Guidelines for Land Under Wilderness Review* dated July 5, 1995, and will continue to be managed until they are either added to the National Wilderness Preservation System or removed from wilderness review. Any right-of-way authorizations granted in these areas after they are removed from wilderness review would be managed under the prescriptions within this plan.

All right-of-way applicants should be aware that a mining claimant may refuse to allow a right-of-way to cross a claim if such claim was located prior to July 23, 1955. In such cases, BLM would reject a right-of-way application request or would help the applicant in the consideration of an alternative route which would be acceptable.

The right-of-way avoidance areas are defined in the BLM Manual 1623.52 as areas where future rights-of-way may be granted only when no feasible alternative route is available. The purpose of the right-of-way avoidance areas is to reduce the likelihood of rights-of-way being placed in these areas. When possible, alternative routes and sites would be considered. The Authorized Officer would closely review goals and objectives for special designated areas identified as avoidance areas in the resource management plan. This process would guide the Authorized Officer to determine which right-of-way applications would be rejected upon submittal or processed for issue. All issued right-of-way grants would be subject to special resource mitigating measures or stipulations. The terms and conditions of all right-of-way grants depend upon the sensitivity of the affected resource, applicable laws and regulations, and management objectives of special designated areas identified in the TriCounty Resource Management Plans. All right-of-way proposals would require the preparation of a site specific environmental analysis to determine impacts and mitigating measures needed to specifically protect sensitive resource values.

The right-of-way avoidance areas also apply to land use leases and permits in accordance with Section 302 of the FLPMA. The special designated areas identified in the Resource Management Plan, including areas of critical environmental concern, special recreation management areas, and special management areas, include management prescriptions which exclude or avoid leases as well as rights-of-way. Leases and permits related to realty or land actions would be discouraged within avoidance areas. In cases when the location of the proposed activity cannot be avoided, the Authorized Officer will analyze it on a case-by-case basis. All leases and permits would be subject to the same review as stated in the paragraph above. All issued leases and permits would be subject to special resource mitigating measures or stipulations. These mitigation measures and/or stipulations prescribed would depend on the sensitivity of the affected resources, applicable laws and regulations, and the objective identified in the RMP.

All expansions of existing right-of-ways, permits, and leases located within the avoidance areas would be avoided. When avoidance is impossible, the proposed expansion would be subject to mitigation measures. The Authorized Officer would closely review the goals and objectives of the management area in which the proposed expansion would occur. This would help determine whether to reject or authorize the proposed expansion. All expansions which significantly conflict with the goals and objectives for special designated areas identified in the RMP would be rejected upon submittal.

When the number of facilities within an avoidance area reaches the point of saturation, the Authorized Officer may determine that no additional authorization will be granted. This determination would be made on the basis of whether the management objectives for the Visual Resource Management class for the area can no longer support additional facilities without jeopardizing the visual quality of the area.

This plan may be modified by the Authorized Officer at any time and is intended strictly as a guideline for the authorization of new proposed right-of-way project within the *TriCounty Planning Area*.

3 MINERAL ESTATE DISPOSAL POLICY

Disposal of the mineral estate is possible under Sections 206 and 209 of the FLPMA. It is the policy of the BLM to avoid disposing of the surface estate while retaining the mineral estate unless there are areas of “*known mineral value*,” as defined in 43 CFR 2720.0.5. In areas of “*known mineral value*,” the mineral estate (and the surface estate if substantial interference to development will result) should be retained except as described below.

Prior to any land disposal a “*mineral value*” determination must be made following a field reconnaissance by a BLM mineral examiner. A mineral report must be written to evaluate the leaseable, locatable, and

saleable mineral potential of each proposed sale or exchange. Under the FLPMA, the conclusion of the mineral examiner will include an opinion as to whether the lands have “*known mineral values*.” If professional judgment concludes that the land does not contain “*known mineral values*,” the surface and subsurface estate may be conveyed, subject to any existing mining claim(s) or mineral leases.

A mining claim of record under Section 314 of the FLPMA generally prevents an exchange or sale. If the land is under mining claim, the surface should be retained under Federal ownership or the claim examined for validity. However, a validity examination may be waived and the BLM may proceed with the sale or exchange of both the surface and the mineral estate, subject to the existing mining claim(s) if:

- The land meets the criteria for disposal as determined through land-use planning; and
- The land has no “*known mineral value*” as determined by a BLM geologist or mining engineer; and
- The prospective patentee is willing to accept defensible title, preserving whatever rights the mining claimant may have. Conveyance of the surface and mineral estate would be subject to “*existing mining claim(s)*,” allowing the mining claimant to apply for and receive full fee patent if a valid discovery were made prior to the date of transfer under Sections 206 or 209, or alternatively, receive patent to the mineral estate only if discovery were made after the original conveyance.

The BLM will proceed with a sale or exchange only after reasonable efforts have been made to secure relinquishment of the mining claims(s). If the mining claimant opposes the action, the Notice of Realty Action protest procedures will apply.

For a direct sale or an exchange, the proponent must be informed early and fully of the potential title conflicts and rights of the mining claimant under the law. The BLM should then proceed only if these conditions are acceptable to the proponent. For a proposed competitive sale, the field office must carefully consider the effect on sale price, likelihood of success, and interests to be served if the sale is made subject to the rights of the mining claimant. If it is clearly in the public interest to proceed, the BLM must secure purchaser waiver of any liability against the United States in the event of subsequent title litigation.

In cases where lands are patented without a reservation of locatable minerals, a FLPMA patent is believed to have standing to bring private contest (43 CFR 4.450) against the mining claim(s). Should he or she do so, the burden is upon the patentee to prove lack of discovery. If the patentee is successful, or if the claims are abandoned or relinquished, the land will not be open to further location, and the patentee will receive full title to the involved locatable minerals.

Mining claim locations and mineral leases for lands in which the surface title has passed under the FLPMA disposal authority may be made only after regulations providing for such locations or leasing have been promulgated. Because these regulations have not as yet been issued, lands disposed of under the FLPMA are subject to de facto withdrawal. Lands disposed of under the FLPMA are not withdrawn from mineral material sales or free-use permits.

All minerals must be reserved if the Federal lands are conveyed out of Federal ownership pursuant to the FLPMA disposal authority, except in the limited instances that follow:

- 1) Sales
 - a) If the public lands proposed for sale are determined to have “*known mineral values*” for locatable, leaseable, or saleable minerals, one of the following courses of action may be taken:
 - (1) Reject the offer to purchase or cancel the offer of sale.
 - (2) Dispose of the surface estate and reserve all of the mineral interests to the United States.
 - (3) Dispose of the surface and convey all or part of the mineral interests under terms set forth in Section 209(b) of the FLPMA.
 - b) If the lands have no “*known mineral value*,” the mineral interests may be simultaneously disposed of with the surface estate under authority of Section 209(b) of the FLPMA.
- 2) Exchanges
 - a) Public lands which do not have “*known mineral values*” may be offered to exchange without any mineral reservation. This will apply whether or not the non-Federal party in an exchange controls the minerals under his or her land.
 - b) If the public lands have some potential for mineral development, reserving the mineral interests is not mandatory as long as the values can be equalized by the payment of money and so long as the payment does not exceed 25 percent of the total value of the land. In any case, normally it is desirable to keep surface and mineral ownership together in an exchange, whenever possible, to eliminate future problems associated with split estate ownership.
 - c) If the public land in an exchange are determined to have “*known mineral values*” for locatable, leaseable, or saleable minerals, it may be in the public interest to cancel the offer, depending upon the significance of the deposits. The leaseable minerals alone can be reserved if significant.

4 MINERAL MATERIAL DISPOSAL

The follow mineral material authorizations were active as of 2001:

SERIAL NUMBER	NAME	EXPIRATION DATE
COMMERCIAL CONTRACT EXPIRATIONS		
117232	Sam Mendoza	11/17/2011
123894	JE Wells Santo Tomas	12/16/2011
124344	CMC Construction Spaceport Pit	3/18/2012
124248	Camino Contracting INC.	7/12/2012
FREE USE PERMIT EXPIRATIONS		
119247	Doña Ana County Mesilla Dam	11/5/2012
117357	Doña Ana County Chaparral Pit	4/1/2012
118100	City of Las Cruces Tortugas Pond	4/18/2012
119201	LCDO Fossilized Wood	10/9/2012